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FEB 09 2009

OFFICE OF PETITIONS

In re Application of	:
Koyama et al.	: DECISION ON APPLICATION
Application No. 10/705,827	: FOR
Filed: November 13, 2003	: PATENT TERM ADJUSTMENT
Atty. Dkt. No. 12732-176001	:

This is a decision on the "LETTER REGARDING PATENT TERM ADJUSTMENT," filed on October 2, 2008. Applicants request that the initial determination of patent term adjustment be corrected from zero (0) days to two hundred seven (207) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is TWO HUNDRED SEVEN (207) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On July 3, 2008, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicant was advised that the patent term adjustment to date was 0 days. The period of adjustment was 192 days of PTO delay and 408 days of applicant delay.

On October 2, 2008, the issue fee was paid. The subject application for term patent adjustment was filed concurrently with the issue fee, and was therefore timely filed.

Applicants state that their response filed on July 24, 2006 in reply to the office action mailed on March 23, 2006, was not entered, and that a reduction of 31 days of patent term adjustment should be assessed. Pursuant to 37 CFR 1.704(b), applicants are correct.

Applicants assert entitlement to patent term adjustment for the mailing of the final office action on March 8, 2007, four (4) months and 104 days after the filing of the reply filed on July 24, 2006. Pursuant to 37 CFR 1.703(a)(2), applicants are correct.

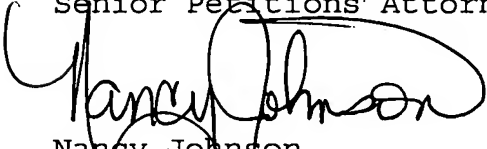
Applicants aver that the reduction of 350 days of patent term adjustment for the filing of a request for continued examination on June 8, 2007 in response to the final office action mailed on March 23, 2006, is in error. Upon review, applicants are correct, as the request for continued examination filed on June 8, 2007, was filed within three (3) months of the mailing of a final office action mailed on March 8, 2007. Therefore, the 350 day reduction in patent term adjustment will be removed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is TWO HUNDRED SEVEN (207) days ($207 (139+53+104)$ days of PTO delay, reduced by $89 (28+31+30)$ days of Applicant delay).

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office of Data Management has been advised of this decision. The application is thereby forwarded to the Office of Patent Publication for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and if applicable, for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries regarding this matter should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Encl: Revised PAIR Calculation

Day : Thursday

PALM INTRANET

Date: 2/5/2009

Time: 16:14:39

PTA Calculations for Application: 10/705827

Application Filing Date:	11/13/2003	PTO Delay (PTO):	192
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	408
Post-Issue Petitions:	0	Total PTA (days):	207
PTO Delay Adjustment:	423		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
85	02/05/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		31	
84	02/05/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	104		
83	02/05/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	350		
76	07/03/2008	MAIL NOTICE OF ALLOWANCE			
75	07/02/2008	ISSUE REVISION COMPLETED			
74	07/02/2008	DOCUMENT VERIFICATION			
73	07/02/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
72	07/01/2008	NOTICE OF ALLOWABILITY			
68	04/28/2008	NEW OR ADDITIONAL DRAWING FILED			
67	05/30/2008	DATE FORWARDED TO EXAMINER			
66	04/28/2008	RESPONSE AFTER EX PARTE QUAYLE ACTION			
65	02/27/2008	MAIL EX PARTE QUAYLE ACTION (PTOL - 326)			
64	02/26/2008	EX PARTE QUAYLE ACTION			
61	02/14/2008	CASE DOCKETED TO EXAMINER IN GAU			
60	01/04/2008	DATE FORWARDED TO EXAMINER			
59	12/14/2007	RESPONSE AFTER NON-FINAL ACTION		30	55
58	12/14/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
55	08/14/2007	MAIL NON-FINAL REJECTION			
54	07/31/2007	NON-FINAL REJECTION			
53	03/29/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
52	03/30/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
51	07/31/2007	DATE FORWARDED TO EXAMINER			
50	06/08/2007	REQUEST FOR CONTINUED EXAMINATION		350	28

		(RCE)			
49	07/31/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
48	07/31/2007	MAIL SUPPLEMENTAL FINAL REJECTION			
41	03/30/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
40	09/29/2005	NEW OR ADDITIONAL DRAWING FILED			
39	06/08/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
38.7	03/30/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	03/30/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	03/15/2007	SUPPLEMENTAL FINAL REJECTION			
36	03/08/2007	MAIL NOTICE OF RESTARTED RESPONSE PERIOD			
35	03/05/2007	LETTER RESTARTING PERIOD FOR RESPONSE (I.E. LETTER RE: REFERENCES)			
34	07/24/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	07/24/2006	REFERENCE CAPTURE ON IDS			
31	07/24/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
30.7	07/24/2006	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
30	07/24/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	03/23/2006	MAIL FINAL REJECTION (PTOL - 326)	53		21
27	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
26	03/20/2006	FINAL REJECTION			
25	03/20/2006	CASE DOCKETED TO EXAMINER IN GAU			
24	09/29/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23.7	09/29/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	21
23	09/29/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	01/20/2006	DATE FORWARDED TO EXAMINER			
21	09/29/2005	RESPONSE AFTER NON-FINAL ACTION		28	18
20	09/29/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
19	09/29/2005	REFERENCE CAPTURE ON IDS			

18	06/01/2005	MAIL NON-FINAL REJECTION	139		-1
17	05/31/2005	NON-FINAL REJECTION			
16	05/17/2005	CASE DOCKETED TO EXAMINER IN GAU			
15	03/16/2005	CASE DOCKETED TO EXAMINER IN GAU			
14	10/03/2004	CASE DOCKETED TO EXAMINER IN GAU			
13	10/03/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	11/13/2003	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
11	11/13/2003	REFERENCE CAPTURE ON IDS			
10.7	11/13/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	11/13/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	02/11/2004	APPLICATION IS NOW COMPLETE			
8	02/10/2004	APPLICATION RETURN FROM OIPE			
7	02/10/2004	APPLICATION RETURN TO OIPE			
6	02/10/2004	APPLICATION DISPATCHED FROM OIPE			
5	02/10/2004	APPLICATION IS NOW COMPLETE			
4	02/02/2004	CLEARED BY OIPE CSR			
3	02/02/2004	CASE CLASSIFIED BY OIPE			
2	12/22/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/13/2003	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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